

1 BORIS FELDMAN, State Bar No. 128838
2 Email: boris.feldman@wsgr.com
3 IGNACIO E. SALCEDA, State Bar No. 164017
4 Email: isalceda@wsgr.com
5 WILSON SONSINI GOODRICH & ROSATI
6 Professional Corporation
7 650 Page Mill Road
Palo Alto, CA 94304-1050
Telephone: (650) 493-9300
Facsimile: (650) 565-5100

8 *Attorneys for Defendants Snap Inc.,*
9 *Evan Spiegel, Robert Murphy,*
Andrew Vollero, and Imran Khan

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

15 | IN RE SNAP INC.
SECURITIES LITIGATION

Case No. 2:17-cv-03679-SVW-AGR

CLASS ACTION

**STIPULATION AND
SUPPLEMENTAL
PROTECTIVE ORDER
GOVERNING MATERIALS
PRODUCED AS “ATTORNEYS’
EYES ONLY”**

The Hon. Stephen V. Wilson

This Document Relates To: All Actions

1 Pursuant to the Court’s Order of October 17, 2018, ECF. No. 137, Lead
2 Plaintiff Thomas DiBiase (“Mr. DiBiase”), proposed named plaintiffs and class
3 representatives Donald R. Allen (“Mr. Allen”) and Shawn B. Dandridge (“Mr.
4 Dandridge”), named plaintiff David Steinberg, Lead Counsel and counsel for
5 Messrs. Steinberg, Allen, and Dandridge, Kessler Topaz Meltzer & Check, LLP
6 (“Kessler Topaz”), and Liaison Counsel Rosman & Germain LLP (together,
7 “Plaintiff’s Counsel”), and Defendants Snap Inc., Evan Spiegel, Robert Murphy,
8 Andrew Vollero, and Imran Khan (“Defendants”), enter into and respectfully submit
9 for the Court’s approval the following Stipulation and Supplemental Protective
10 Order Governing Materials Produced as “Attorneys’ Eyes Only” (“Supplemental
11 Protective Order”).

12 **STIPULATION AND SUPPLEMENTAL PROTECTIVE ORDER**

13 1. This Supplemental Protective Order shall govern the Defendants’
14 production of documents until either: (i) the Court adjudicates the lead plaintiff
15 arguments that Defendants have raised in connection with Lead Plaintiff’s motion
16 for class certification and Rule 21 motion, and state court plaintiff Iuso’s motion to
17 intervene (*see* Minute Order on Motion for Order re Discovery Matters (ECF No.
18 137)); or (ii) the Court appoints Mr. Allen or Mr. Dandridge as class
19 representative(s) and appoints Kessler Topaz as class counsel.

20 2. The existing Stipulated Protective Order Governing the Production,
21 Exchange, and Filing of Confidential Material entered on August 30, 2018 (ECF
22 No. 113) (the “Protective Order”), is hereby incorporated by reference.

23 3. Discovery Material subject to this Supplemental Protective Order shall
24 be stamped “Attorneys’ Eyes Only,” shall be produced to Plaintiff’s Counsel only,
25 and shall be treated as if designated CONFIDENTIAL under the terms of the
26 Protective Order, except that Plaintiff’s Counsel may disclose any information or
27 item designed “Attorneys’ Eyes Only” only to:

1 a. Plaintiff's Counsel and Defendants' Counsel in this Action, as well
2 as employees of said Counsel;

3 b. The counsel representing the insurer or indemnitor of any
4 Defendant, including the insurer's or indemnitor's legal team;

5 c. Experts (as defined in the Protective Order) who are assisting
6 Plaintiff's Counsel, provided that they have signed the
7 "Acknowledgment and Agreement to Be Bound" attached to the
8 Protective Order as Exhibit A and provided that no Discovery
9 Material designated as "Attorneys' Eyes Only" may be disclosed to
10 any expert or consultant who is currently or was employed or
11 retained on or after September 1, 2017 by Facebook (including
12 Instagram and WhatsApp), Apple, Google (including YouTube),
13 Twitter, Kakao, Naver (including LINE and Snow), and Tencent,
14 except by written agreement of the parties or by order of the Court
15 and any appellate court, and their personnel;

16 d. Court reporters and videographers and their staff serving in this
17 Action;

18 e. Professional jury or trial consultants (and their staff), mock jurors,
19 and Professional Vendors who are assisting Plaintiff's Counsel,
20 provided that they have signed Exhibit A;

21 f. The author or recipient of a document containing the information or
22 a custodian or other person who otherwise possessed or knew the
23 information;

24 g. Witnesses, noticed or subpoenaed deponents, and their counsel
25 provided that Discovery Material designated as "Attorneys' Eyes
26 Only" shall not be disclosed to any witness or deponent (excluding
27 Defendants or current employees of Defendants) unless such

witness or deponent first signs the “Acknowledgment and Agreement to Be Bound” (Exhibit A), unless otherwise ordered by the Court. Those witnesses or deponents who are shown Discovery Material designated as “Attorneys’ Eyes Only” shall not be allowed to retain copies;

- h. Any mediator or settlement officer, and their supporting personnel, mutually agreed upon by any of the Parties engaged in settlement discussions.

9 4. For the avoidance of doubt, if a person or entity has previously
10 executed Exhibit A pursuant to the Protective Order, that person or entity need not
11 re-execute Exhibit A before Plaintiff's Counsel may disclose Discovery Material
12 designated as "Attorneys' Eyes Only" pursuant to this Supplemental Protective
13 Order.

14 5. For the avoidance of doubt, Section 14 of the existing Protective Order
15 shall govern the final disposition of all copies of Discovery Material designated as
16 "Attorneys' Eyes Only," by any recipient thereof, including, but not limited to,
17 Plaintiff's Counsel.

18 6. All Court filings and submissions to the mediator (both draft and final)
19 may be disclosed to Mr. DiBiase, regardless of whether they contain information or
20 items designated by Defendants as “Attorneys’ Eyes Only.” Moreover, nothing in
21 this Stipulation shall be construed to prevent Plaintiff’s Counsel from discussing the
22 strengths and weaknesses of this action with Mr. DiBiase.

23 7. If the Court adds Mr. Allen or Mr. Dandridge (or both) as named
24 plaintiff(s), all filings and submissions to the mediator (both draft and final) may be
25 disclosed to such named plaintiff(s) in his capacity as an individual plaintiff,
26 regardless of whether they contain information or items designated by Defendants as
27 “Attorneys’ Eyes Only.” Moreover, nothing in this Stipulation shall be construed to

1 prevent Plaintiffs' Counsel from discussing the strengths and weaknesses of this
2 action with such named plaintiff in his capacity as an individual plaintiff. Mr. Allen
3 and Mr. Dandridge each agree that they are bound by the terms of the Protective
4 Order, as amended by this Supplemental Protective Order.

5 8. Mr. DiBiase, Mr. Allen, Mr. Dandridge, and Plaintiff's Counsel shall
6 be estopped from using the fact of Defendants' continuing production of documents
7 as a basis to argue that they should be selected as lead plaintiff, named plaintiff,
8 class representative, lead counsel, or class counsel.

9 9. Defendants shall be estopped from using Mr. DiBiase's, Mr. Allen's, or
10 Mr. Dandridge's lack of access, or Plaintiff's Counsel access to Discovery Material
11 designated by Defendants as "Attorneys' Eyes Only" as a basis to argue that Mr.
12 DiBiase, Mr. Allen, Mr. Dandridge, and Plaintiff's Counsel should not be selected
13 as lead plaintiff, named plaintiff, class representative, lead counsel, or class counsel.

14 10. In the event that Mr. Allen or Mr. Dandridge (or both) are appointed as
15 class representative(s) and Kessler Topaz appointed as class counsel by the Court,
16 Defendants shall, for all Discovery Material designated as "Attorneys' Eyes Only"
17 pursuant to this Supplemental Protective Order, produce replacements pursuant to
18 the terms of the Protective Order on a reasonably practicable schedule.

IT IS SO STIPULATED.

20 | Dated: October 24, 2018

**WILSON SONSINI
GOODRICH & ROSATI, P.C.**

By: /s/ Ignacio E. Salceda
Ignacio E. Salceda

BORIS FELDMAN (Bar #128838)
boris.feldman@wsgr.com
IGNACIO E. SALCEDA (Bar #164017)
isalceda@wsgr.com
650 Page Mill Road
Palo Alto, CA 94304

Telephone: (650) 493-9300
Facsimile: (650) 493-6811

*Attorneys for Defendants Snap Inc.,
Evan Spiegel, Andrew Vollero, and
Imran Khan*

Dated: October 24, 2018

**KESSLER TOPAZ
MELTZER & CHECK, LLP**

By: /s/ Jennifer L. Joost
Jennifer L. Joost

SHARAN NIRMUL (*Pro Hac Vice*)
snirmul@ktmc.com
ETHAN J. BARLIEB (*Pro Hac Vice*)
Ebarlieb@ktmc.com
NATHAN HASIUK (*Pro Hac Vice*)
nhasiuk@ktmc.com
JONATHAN F. NEUMANN (*Pro Hac Vice*)

jneumann@ktmc.com
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056

JENNIFER L. JOOST (Bar #296164)
jjoost@ktmc.com
STACEY M. KAPLAN (Bar #241989)
skaplan@ktmc.com
One Sansome Street, Suite 1850
San Francisco, CA 94104
Telephone: (415) 400-3000
Facsimile: (415) 400-3001

Attorneys for Lead Plaintiff Thomas DiBiase, Named Plaintiff David Steinberg, Proposed Named Plaintiffs Donald R. Allen

and Shawn B. Dandridge, and Lead Counsel for the Putative Class

ROSMAN & GERMAIN LLP
DANIEL L. GERMAIN (Bar #143334)
germain@lalawyer.com
16311 Ventura Boulevard, Ste. 1200
Encino, CA 91436
Telephone: (818) 788-0877
Facsimile: (818) 788-0885

Liaison Counsel for the Putative Class

ATTESTATION OF FILING

Pursuant to Local Rule 5-4.3.4 regarding signatures, I, Ignacio E. Salceda, hereby attest that the other signatories listed above, on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

Dated: October 24, 2018 By: /s/ Ignacio E. Salceda
Ignacio E. Salceda

WILSON SONSINI GOODRICH & ROSATI, P.C.
Professional Corporation
650 Page Mill Road
Palo Alto, CA 94304
Telephone: (650) 493-9300
Facsimile: (650) 493-6811

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

DATED: October 25, 2018

Alicia G. Rosenberg

The Honorable Alicia G. Rosenberg
United States Magistrate Judge